

SERVICE OF SUMMONS, COMPLAINT, COURT SUBPOENA, GARNISHMENT, CHILD SUPPORT, WORKERS' COMPENSATION and EMPLOYMENT MATTERS

Any of the above referenced documents received at a company office must be scanned and emailed to Cathy Wilken (cwilken@cretacarrier.com), then sent regular mail to: Crete Carrier Corporation, Attn: Cathy Wilken, Legal, 400 N.W. 56th Street, Lincoln, NE 68528, along with this completed form. If signature of person preparing report is illegible, please print name below signature.

Date Summons served: 4 / 18 /2022 Time: Hour 3:00pm a.m./p.m.

City and State of your Terminal Location: Mechanicsburg, PA

Method of Service (check applicable)

 X Personal Service by Deputy Sheriff or Process Server:
Name of person accepting service: Robert Zeigler, Shop Manager
(Documents were delivered by hand from the deputy without an envelope)

____ U.S. Mail (attach envelope to Summons/Subpoena)

_____ Certified _____ First Class _____ Restricted _____

____ Private Courier (Federal Express, UPS, etc.)

Notification from Driver or Third Party:

Name: _____ Date: ____ / ____ / ____ Phone: _____

Accident # (if known) _____

Signature of Person Preparing Report

4/19/2022

Date of Report

DO NOT WRITE BELOW THIS LINE

Date Received from Company: / / Initials:

Date Reviewed by Curt Ruwe: / / Initials:

Date Assigned to Adjuster/Attorney: ____/____/____ Initials: ____
Adjuster/Attorney

Date Assigned to Defense Counsel: / / Initials: _____

If file closed, date reopened and reserves entered: / / Initials:

If file transferred in-house, date transferred,
adjuster name added/changed: / / Initials:

STARS Litigation Input Initials: _____

Sent Lit Hold Documents to Defense Counsel / / Initials:

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

APRIL 2022**000005**

E-Filing Number: 2203064686

PLAINTIFF'S NAME NAIM ZIYAD. CORBITT		DEFENDANT'S NAME ALVIN C. ERVIN II	
PLAINTIFF'S ADDRESS 121 E. SPRING AVENUE ARDMORE PA 19003		DEFENDANT'S ADDRESS 1264 WYCKFIELD PLACE LAWRENCEVILLE GA 30044	
PLAINTIFF'S NAME		DEFENDANT'S NAME CRETE CARRIER CORPORATION	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 6800 CARLISLE PIKE MECHANICSBURG PA 17050	
PLAINTIFF'S NAME		DEFENDANT'S NAME ABC COMPANIES	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS UNKNOWN PHILADELPHIA PA 19100	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 4	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY MAR 31 2022 S. RICE	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>NAIM ZIYAD CORBITT</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY DAVID B. SHERMAN		ADDRESS 8 PENN CENTER 1628 JFK BOULEVARD SUITE 2200 PHILADELPHIA PA 19103	
PHONE NUMBER (215) 665-1100	FAX NUMBER (215) 665-8471		
SUPREME COURT IDENTIFICATION NO. 36437		E-MAIL ADDRESS tdicostanza@solomonsherman.com	
SIGNATURE OF FILING ATTORNEY OR PARTY DAVID SHERMAN		DATE SUBMITTED Thursday, March 31, 2022, 05:38 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

COMPLETE LIST OF DEFENDANTS:

1. ALVIN C. ERVIN II
1264 WYCKFIELD PLACE
LAWRENCEVILLE GA 30044
2. CRETE CARRIER CORPORATION
6800 CARLISLE PIKE
MECHANICSBURG PA 17050
3. ABC COMPANIES
UNKNOWN
PHILADELPHIA PA 19100
4. JOHN DOE
ALIAS: JANE DOE
UNKNOWN
PHILADELPHIA PA 19100

Filed and Attested by the
Office of Judicial Records
31 MAR 2022 05:58 pm
S. RICE

SOLOMON, SHERMAN & GABAY
DAVID B. SHERMAN
Identification No. 36437
LAUREN SHERMAN, ESQUIRE
Identification No. 323691
8 Penn Center
1628 J.F.K. Boulevard
Suite 2200
Philadelphia, PA 19103
(215) 665-1100

Attorneys for Plaintiffs

NAIM ZIYAD CORBITT
121 E. Spring Avenue
Ardmore, PA 19003

v.

ALVIN C. ERVIN II
1264 Wyckfield Place
Lawrenceville, GA 30044

and

CRETE CARRIER CORPORATION
6800 Carlisle Pike
Mechanicsburg, PA 17050

and

ABC COMPANIES
(fictitious designation of partnerships,
proprietorships, and/or corporations)

and

JOHN DOES and/or JANE JOES
(fictitious designation of individual(s))

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

TERM,

NO.

NOTICE TO DEFEND**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with this court your defenses objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGALHELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERENCE SERVIE
ONE READING CENTER
PHILADELPHIA, PA 19107
(215) 238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede dedidir a favor del demandante y require que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME FOR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Referencia E Informacion Legal
One Reading Center
Filadelfia, PA 19107
Telefono: (215) 238-1701**

SOLOMON, SHERMAN & GABAY
 DAVID B. SHERMAN
 Identification No. 36437
 LAUREN SHERMAN, ESQUIRE
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 8 Penn Center
 1628 J.F.K. Boulevard
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 Philadelphia, PA 19103
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Attorneys for Plaintiffs

NAIM ZIYAD CORBITT
 121 E. Spring Avenue
 Ardmore, PA 19003

v.

ALVIN C. ERVIN II
 1264 Wyckfield Place
 Lawrenceville, GA 30044
 and
 CRETE CARRIER CORPORATION
 6800 Carlisle Pike
 Mechanicsburg, PA 17050
 and
 ABC COMPANIES
 (fictitious designation of partnerships,
 proprietorships, and/or corporations)
 and
 JOHN DOES and/or JANE JOES
 (fictitious designation of individual(s))

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

TERM,

NO.

COMPLAINT – CIVIL ACTION

2V – Motor Vehicle

1. Plaintiff, Naim Ziyad Corbitt, is an adult individual residing at the above stated address.
2. Defendant, Alvin C. Ervin II is an adult individual residing at the above stated address and at all pertinent times hereto was the operator of a motor vehicle involved in the incident to be described more fully hereinafter.
3. Defendant, Crete Carrier Corporation is a company and/or similar business entity, authorized to do business in Pennsylvania, with offices and/or a principal place of business at the address listed above, who at all times pertinent hereto was the owner of the motor vehicle

involved in the incident to be described more fully hereinafter.

4. Defendants, ABC Companies, said names being fictitious, the true names being unknown to Plaintiff after reasonable search with due diligence, were partnerships, proprietorships, and/or corporations operating in the Commonwealth of Pennsylvania who owned, controlled, maintained and possessed of the motor vehicle.

5. Defendants, John Does and/or Jane Does, said names being fictitious, the true names being unknown to Plaintiff after reasonable search with due diligence, were individuals who owned, controlled, maintained and possessed of the motor vehicle.

6. On or about August 13, 2020, a motor vehicle operated by Defendant, Alvin C. Ervin II and owned by Defendant, Crete Carrier Corporation was traveling on I-76 in the City and County of Philadelphia Commonwealth of Pennsylvania, operated the vehicle in such a negligent and careless manner to struck Plaintiff's vehicle in the rear, causing severe injuries to Plaintiff, to be described more fully hereinafter.

7. The aforementioned collision was caused by the negligence of the Defendants and did not result from any act or omission of the Plaintiff.

8. At all times relevant hereto, Defendants were the operators, owners, managers, possessors and controllers of the vehicle involved in the incident described above.

9. At all times relevant hereto, the vehicle owned by Defendants was operated and/or controlled by an agent, servant, workman and/or employee of Defendants.

10. At all times pertinent hereto, all of the acts and omissions of Defendants were committed by the Defendants or through their agents, workmen, servants and/or employees and/or by others with whom the Defendants had control or authority.

COUNT I
PLAINTIFF, NAIM ZIYAD CORBITT vs. DEFENDANTS, ALVIN C. ERVIN II, ABC

COMPANIES, JOHN DOES and/or JANE JOES COMPANIES

11. Plaintiff, Naim Ziyad Corbitt, hereby incorporates by reference paragraphs 1 through 10 as though same were fully set forth at length herein.

12. At all times pertinent hereto, all of the acts and omissions of Defendant were committed by the Defendant or through their agents, workmen, servants and/or employees and/or by others with whom the Defendants had control or authority.

13. The Defendant is liable for the injuries and damages suffered by the Plaintiff.

14. Plaintiff aver that the aforesaid incident was caused solely by the negligence of the Defendant which consisted of the following:

- (a) Operating said motor vehicle at an excessive rate of speed;
- (b) failing to have said motor vehicle under proper and adequate control;
- (c) operating said motor vehicle without due regards for the rights, safety and position of the Plaintiffs at the point aforesaid;
- (d) operating said vehicle in a careless, and negligent manner;
- (e) failing to keep a proper lookout;
- (f) failing to avoid said incident;
- (g) failing to properly inspect said vehicle;
- (h) failing to properly maintain said vehicle;
- (i) failing to insure the skill and competence of the operator of said vehicle;
- (j) violating the ordinances, statutes, and regulations of County of Philadelphia and State of Pennsylvania relating to the operation of said

vehicle highways;

- (k) Violating 75 Pa.C.S. s3310-- following too closely;
- (l) Violating 75 Pa.C.S. s3714-- careless driving; and
- (m) in other respects as may be pointed out at the time of trial.

15. As a result of the aforesaid accident, Plaintiff, suffered severe and permanent injuries to her head, back, neck, left shoulder and other injuries both known and unknown, all or some of which have caused her great pain, suffering and agony, loss of life's enjoyment and deprivation of Plaintiff normal mode of living, earnings and earning capacity and will continue to do so in the future.

16. As a further result of the aforesaid incident and injury, Plaintiff was obliged to incur various necessary and reasonable medical expenditures in treating herself and may be obliged to incur such additional expenses into the future to her great financial detriment and loss.

17. As a further result of the aforesaid incident and injuries, the Plaintiff has suffered permanent injury, serious impairment of a bodily function and disability as well as embarrassment, humiliation and loss of life's pleasures.

18. As a further result of the aforesaid incident, the Plaintiff was caused to incur substantial wage loss and earning capacity to her great financial detriment and harm.

WHEREFORE, Plaintiff, demands judgment against the Defendants jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

COUNT II
PLAINTIFF, NAIM ZIYAD CORBITT vs. DEFENDANTS, CRETE CARRIER
CORPORATION, ABC COMPANIES, JOHN DOES and/or JANE JOES

19. Plaintiff, Naim Ziyad Corbitt, hereby incorporates by reference paragraphs 1 through 18 as though same were fully set forth at length herein.

20. The injuries to Plaintiff, Naim Ziyad Corbitt, were proximately caused in whole or in part by the negligence and fault of Defendant, Crete Carrier Corporation owner of the aforementioned motor vehicle operated by Defendant, Alvin C. Ervin II without any fault or neglect of Plaintiff, contributing thereto.

21. Defendant, Alvin C. Ervin II had permission from Defendant, Crete Carrier Corporation to operate the motor vehicle involved in the incident described herein above.

22. Defendant, Crete Carrier Corporation breached their duties of care in the following respects, among others:

- (a) By negligently entrusting the operation of the motor vehicle to Defendant, Alvin C. Ervin II whom Defendant, Crete Carrier Corporation knew or had reason to know was incompetent, inexperienced or otherwise incapable of safely and properly operating the vehicle in question;
- (b) By the negligent failure to train and/or negligent training of Defendant Alvin C. Ervin II in the safe and proper operation of the aforementioned motor vehicle whom Defendant, Crete Carrier Corporation knew or had reason to know was incompetent, inexperienced or otherwise incapable of safely and properly operating the vehicle in question;
- (c) By negligently entrusting the operation of the motor vehicle to Defendant, Alvin C. Ervin II whom Defendant, Crete Carrier Corporation knew or had reason to know would park the vehicle in a dangerous matter and place.
- (d) By the negligent failure to supervise and/or negligent supervision of Defendant Alvin C. Ervin II's operation of the aforementioned motor vehicle;
- (e) Violating the ordinances, statutes, and regulations of City of Philadelphia

and State of Pennsylvania relating to the operation of said vehicle highways; and

(f) In other respects as may be pointed out at the time of trial.


23. As a result of the aforesaid accident, Plaintiff, suffered severe and permanent injuries to her head, back, neck, left shoulder and other injuries both known and unknown, all or some of which have caused her great pain, suffering and agony, loss of life's enjoyment and deprivation of Plaintiff normal mode of living, earnings and earning capacity and will continue to do so in the future.

24. As a further result of the aforesaid incident and injury, Plaintiff was obliged to incur various necessary and reasonable medical expenditures in treating herself and may be obliged to incur such additional expenses into the future to her great financial detriment and loss.

25. As a further result of the aforesaid incident and injuries, the Plaintiff has suffered permanent injury, serious impairment of a bodily function and disability as well as embarrassment, humiliation and loss of life's pleasures.

26. As a further result of the aforesaid incident, the Plaintiff was caused to incur substantial wage loss and earning capacity to her great financial detriment and harm.

WHEREFORE, Plaintiff, demands judgment against the Defendants jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

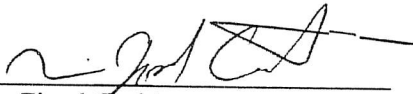
BY: 

DAVID B. SHERMAN, ESQUIRE
Attorney for Plaintiff

Dated: 3/31/2022

VERIFICATION

I, Naim Ziyad Corbitt, hereby verify that the statements made in the foregoing Civil Action Complaint, are true and correct to the best of my information, knowledge and belief after reasonable inquiry. I understand that statements made herein are subject to the penalties of 18 Pa C.S.A. Section 4904, relating to unsworn falsification to authorities.



Naim Ziyad Corbitt

DATED: 3/31/2022